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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/627,355    07/28/00    MACKEY

B    CDST-F102

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MMC2/1010    └

EXAMINER
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DAY, M

JOHN P WAGNER JR  
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THIRD FLOOR  
SAN JOSE CA 95113

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 10/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/627,355

Applicant(s)

B. Mackey, et al.

Examiner

Michael Day

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2879



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The first line of the specification should be up-dated to provide the current status of the parent application.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 13, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 4, 13, and 24, it is unclear as to what thickness the applicant considers to be a sufficient thickness.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 19, 20, 22-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wallace et al. Referring to claims 1-9, 19, 20, 22-29, Wallace et al. disclose a faceplate structure including a faceplate (see col. 5, lines 36, 37, soda glass substrate 26) and a barrier layer (ITO layer 28, and silica 34, see also col. 4, lines 52, 53).

Referring to claims 1, and 19, it is noted that the "adapted to" clauses constitute intended use language and do not limit the scope of the claims. Also, claims 2-9, 20, and 22-29 are replete with function language, such as "prevent penetration of electrons," "electron damage resistant," and "prevents migration of contaminants," that does not distinguish the present invention from the prior art. It is the position of the examiner that such functional language is inherent to the prior art device as evidence by Wallace's disclosure of all of the claimed structural limitations.

6. Claims 10-14, 16-19, 21-25, 27-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Banno et al. Referring to claims 10-14, 16-19, 21-25, 27-29, Banno et al. disclose a cathode substrate structure including a cathode substrate (see col. 5, lines 36-41, soda glass substrate 1) and a barrier layer (see col. 5, lines 36-41, silica and gold layers).

Referring to claims 10, and 19, it is noted that the "adapted to" clauses constitute intended use language and do not limit the scope of the claims. Also, claims 11-18, 23-25, and 27-29 are replete with function language that does not distinguish the present invention from the

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prior art. It is the position of the examiner that the functional language is inherent to the prior art device as evidenced by Banno's disclosure of all of the claimed structural limitations.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banno et al.

Referring to claim 15, it is unclear as to whether the barrier layers of silica (approximately 500 nm) and gold (approximately 300 nm) are approximately 100 nm thick, as recited in the instant claim. The specification of a suitable thickness, however, is within the skill of the art. It would have been obvious to specify a barrier layer that is approximately 100 nm thick because the specification of a suitable thickness is within the skill of the art.

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9. Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. in view of Okamoto et al. Wallace et al. disclose a faceplate as recited in claim 1, and 30. Wallace et al. do not disclose a barrier layer including a color filter. Okamoto et al. disclose that color filters (RGB) are conventionally disposed in faceplates for the advantage of providing color displays (see col. 1, lines 33-37). It would have been obvious to include color filters, as disclosed by Okamoto et al., in the faceplate, as disclosed by Wallace et al. for the advantage of providing a color display.

#### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

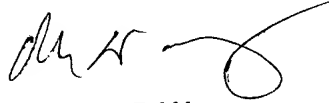
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Day whose telephone number is 703/305-4941. The examiner can normally be reached on Monday-Friday, from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel, can be reached by phoning 703/305-4794. The Fax phone number is 703/308-7382.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703/308-0956.

October 3, 2001

A handwritten signature in black ink, appearing to read 'Michael Day', with a large, stylized flourish extending to the right.

**MICHAEL DAY  
PRIMARY EXAMINER  
GROUP 2870**